

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SRI INTERNATIONAL, INC., a California
Corporation,

Plaintiff and
Counterclaim-Defendant,

v.

INTERNET SECURITY SYSTEMS, INC.,
a Delaware corporation, INTERNET
SECURITY SYSTEMS, INC., a Georgia
corporation, and SYMANTEC
CORPORATION, a Delaware corporation,

Defendants and
Counterclaim-Plaintiffs.

C. A. No. 04-1199 (SLR)

**PUBLIC
VERSION**


**DECLARATION OF KATHERINE D. PRESCOTT IN SUPPORT OF SRI'S
OPPOSITION TO ISS'S MOTION TO PRECLUDE SRI, BASED ON ITS
CONDUCT IN DISCOVERY, FROM DISPUTING THE EVIDENCE
ESTABLISHING THAT THE *LIVE TRAFFIC* PAPER IS A 102(b)
INVALIDATING REFERENCE**

I, Katherine D. Prescott, declare as follows:

1. I am an associate with Fish & Richardson P.C., counsel for Plaintiff SRI International, Inc. ("SRI"). I make the following statements based on personal knowledge.
2. Attached as Exhibit A is a true and correct copy of SRI's Responses and Objections to Defendants' Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6) dated January 4, 2006.
3. Attached as Exhibit B is a true and correct copy of SRI's Responses and Objections to Defendants' Second Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6) dated January 10, 2006.
4. Attached as Exhibit C is a true and correct copy of a March 28, 2006 letter from Katherine D. Prescott to Jonathan Loeb and Theresa Moehlman.

5. Attached as Exhibit D are true and correct copies of excerpts from the deposition transcript of Phillip Porras dated March 30, 2006.
6. Attached as Exhibit E are true and correct copies of excerpts from the deposition transcript of Phillip Porras dated March 9, 2006.
7. Attached as Exhibit F are true and copies of excerpts from the deposition transcript of Paul Agbabian dated April 25, 2006.
8. There is no Exhibit G.
9. There is no Exhibit H.
10. Attached as Exhibit I a true and correct copy of a January 20, 2006 letter from Todd Miller to Jonathan Loeb and Jeffrey Blake.
11. Attached as Exhibit J is a true and correct copy of a March 29, 2006 letter from Jonathan Loeb to Katherine D. Prescott.
12. Attached as Exhibit K is a true and correct copy of the Invalidity Expert Report of L. Todd Heberlein (without exhibits) dated April 21, 2006.
13. Attached as Exhibit L are true and correct copies of excerpts from the deposition transcript of L. Todd Heberlein dated June 2, 2006.
14. Attached as Exhibit M is a true and correct copy of the Rebuttal Report of Dr. George Kesidis on Validity dated May 16, 2006.

I declare under penalty of perjury under that the foregoing is true and correct.
Executed this 17th day of July 2006, in Redwood City, California.


Katherine D. Prescott

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2006, I electronically filed the **PUBLIC VERSION** of the **DECLARATION OF KATHERINE D. PRESCOTT IN SUPPORT OF SRI'S OPPOSITION TO ISS' MOTION TO PRECLUDE SRI, BASED ON ITS CONDUCT IN DISCOVERY, FROM DISPUTING THE EVIDENCE ESTABLISHING THAT THE *LIVE TRAFFIC* PAPER IS A 102(b) INVALIDATING REFERENCE** with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to the following Delaware counsel. In addition, the document will be served by hand on Delaware counsel as follows:

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I hereby certify that on July 24, 2006, I have sent the foregoing document by Federal Express overnight delivery to the following non-registered participants:

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/s/ John F. Horvath

John F. Horvath